

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

Bail Appl..No. 277 of 2007()

CRMP.5590/2006 of C.J.M., KALEPETTA
.....

PETITIONER/ACCUSED

VINOD, AGED 32 YEARS, S/O. BABURAJ,
THAZHATHU VEETIL, THAZHE AREPETTA,
MUPAINAD, VYTIRI.

BY ADV. SRI.P.K.JOSE

RESPONDENTS: COMPLAINANT

1. STATE, REP. BY EXCISE INSPECTOR,
KALPETTA RANGE IN CRIME NO.49/06.
2. PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO. 277 OF 2007

DATED THIS THE 24th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the accused in C.R.No.49/06 of Kalpetta Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari act for allegedly having found in possession of 7.5 litres of illicit arrack on 15.11.2006 and whose formal arrest in this case was recorded on 24.11.2006, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in another crime involving similar offence, he fairly conceded that no final report has been filed even after 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the C.J.M., Kalpetta and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn